

Interview Summary

Applicant n No.

09/991,433

Applicant(s)

BROLIDEN ET AL.

Examiner

Zachariah Lucas

Art Unit

1648

All participants (applicant, applicant's representative, PTO personnel):

(1) Zachariah Lucas.(3) Eric Furman.(2) James House!

(4) _____.

Date of Interview: 15 April 2003.

Type: a) ☐ Telephonic b) ☐ Video Conference
c) ☒ Personal [copy given to: 1) ☐ applicant 2) ☒ applicant's representative]

Exhibit shown or demonstration conducted: d) ☒ Yes e) ☐ No.

If Yes, brief description: Applicant presented results of an assay for in vivo inhibition of hematopoietic cells demonstrating the efficacy of the VP2 capsid in inhibiting hematopoiesis in healthy monkeys.

Claim(s) discussed: 1-8, 18-25 and 34-43.

Identification of prior art discussed: Jain et al., of record in the Action mailed on February 25, 2003.

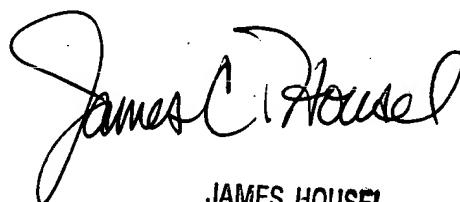
Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.



JAMES HOUSE!

SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments:

The Applicant desired a discussion of the current enablement issues in the case. The Examiner stated that, based on the application as filed, insufficient information had been provided to enable, and to provide written description support for, claims to any VP2 trimer effective in the inhibition of hematopoiesis. The Examiner also indicated that there was insufficient information in the record to demonstrate that one skilled in the art would have accepted that the specifically identified peptides (those comprising the QQY sequence), or the VP2 protein as a whole, would be effective in inhibiting hematopoiesis in a subject in need of such (i.e. for the treatment of a hematopoietic hyperproliferative disorder). However, the Examiner also indicated that the Examiner was open to additional information, by way of argument or a third-party declaration, which may indicate that the peptides/protein would be likely useful (or accepted as such by those skilled in the art) in such therapies. The Examiner also indicated that submission of the results of the in vivo assay (described above) in a declaration would be persuasive in finding enablement of the claims. However, it would not, without further argument or information as indicated above, be sufficient to demonstrate enablement of the methods of treating hematopoietic hyperproliferative disorders (i.e. therapy for those subjects in need of hematopoiesis inhibition).

The Examiner stated that the enablement rejection does not extend to the methods of inhibiting hematopoiesis in healthy subjects (rather than the inhibition of hematopoietic cell growth as is presently claimed) through administration of the QQY peptides (i.e. the QQY trimer and peptides comprising such) or the VP2 protein. In view of this, it appears that claims 34-38 would be allowable assuming the amendment of the claims to read on the inhibition of hematopoiesis, and to exclude SEQ ID NO: 45 from claim 37.

The Examiner also indicated a willingness to drop the indefiniteness rejection of claim 34 regarding the inclusion of the measuring step as the step is useful, albeit not essential, to the practice of the claimed method.